

been held under insanitary conditions whereby it might have become contaminated with filth.

**DISPOSITION:** December 6, 1944. James I. Pritchett and Son, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the segregation and the denaturing of the unfit portion, under the supervision of the Food and Drug Administration.

**8436. Misbranding of red beans. U. S. v. 201 Cases of Red Beans. Default decree of condemnation. Product ordered delivered to charitable institutions.** (F. D. C. No. 14996. Sample No. 85949-F.)

**LIBEL FILED:** February 21, 1945, District of Colorado.

**ALLEGED SHIPMENT:** On or about October 3, 1944, by the Otoe Food Products Co., from Nebraska City, Nebr.

**PRODUCT:** 201 cases, each containing 24 1-pound, 4-ounce cans, of red beans at Denver, Colo.

**LABEL, IN PART:** "Otoe Brand Honey Flavored Red Beans Artificial Flavor."

**VIOLATION CHARGED:** Misbranding, Section 403 (a), the label statements, "Honey Flavored," and "Honey flavor adds a new taste appeal," were false and misleading as applied to an article which had no flavor of honey.

**DISPOSITION:** March 6, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

**8437. Adulteration of dried mushrooms. U. S. v. 2 Cans of Dried Mushrooms. Default decree of condemnation and destruction.** (F. D. C. No. 14931. Sample No. 3889-F.)

**LIBEL FILED:** December 29, 1944, Western District of Washington.

**ALLEGED SHIPMENT:** On or about June 22, 1944, by H. Schoenfeld and Sons, from New York, N. Y.

**PRODUCT:** 2 cans, containing a total of approximately 80 pounds, of dried mushrooms at Seattle, Wash.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, insect fragments, rodent hairs, and rodent excreta.

**DISPOSITION:** April 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**8438. Adulteration of dried mushrooms. U. S. v. 15 Cartons of Dried Mushrooms. Default decree of condemnation and destruction.** (F. D. C. No. 14544. Sample No. 84515-F.)

**LIBEL FILED:** November 29, 1944, Northern District of California.

**ALLEGED SHIPMENT:** On or about November 3, 1944, by the Russian-Polish Importing Co., from Chicago, Ill.

**PRODUCT:** 15 cartons, each containing 10 pounds, of dried mushrooms at San Francisco, Calif.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and maggots.

**DISPOSITION:** March 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 8439 to 8441 report actions involving canned peas that purported to be a food for which a standard of quality has been prescribed by law, but the quality fell below the standard because of higher alcohol-insoluble solids than the maximum permitted by the standard, and the labels failed to bear, in the manner and form that the regulations specify, a statement that the product was below the standard.

**8439. Misbranding of canned peas. U. S. v. 169 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 14751. Sample No. 87773-F.)

**LIBEL FILED:** December 9, 1944, District of North Dakota.

**ALLEGED SHIPMENT:** On or about September 28, 1944, by the St. Cloud Products Association, from St. Cloud, Minn.

PRODUCT: 169 cases, each containing 24 1-pound, 4-ounce cans, of peas at Grand Forks, N. Dak.

LABEL, IN PART: "Sellmore Brand Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the product was substandard.

DISPOSITION: February 1, 1945. The St. Cloud Products Association, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of an officer designated by the Federal Security Agency Administrator. The product was satisfactorily relabeled.

**8440. Misbranding of canned peas. U. S. v. 2,745 Cases of Peas. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13878. Sample No. 67978-F.)**

LIBEL FILED: October 3, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about August 1 and 14, 1944, by the Walworth Canning Co., Walworth, Wis.

PRODUCT: 2,745 cases, each containing 24 cans, of peas at Xenia, Ohio. This product was shipped unlabeled, without an agreement as to the labeling.

LABEL, IN PART: (Portion) "Sun Bird Wisconsin Sweet Peas," or "Merritt Brand \* \* \* Early June Peas."

VIOLATIONS CHARGED: Misbranding, Section 403 (h) (1), the product was substandard; and, Section 403 (e) (1) and (2), it was food in package form and it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of contents.

DISPOSITION: November 24, 1944. The Eavey Co., Xenia, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration. The product was satisfactorily relabeled.

**8441. Misbranding of canned peas. U. S. v. 306 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 15001. Sample No. 18302-H.)**

LIBEL FILED: January 18, 1945, Northern District of Iowa.

ALLEGED SHIPMENT: On or about July 13, 1944, by the Fall River Canning Co., Fall River, Wis.

PRODUCT: 306 cases, each containing 24 1-pound, 4-ounce cans, of peas at Sioux City, Iowa.

LABEL, IN PART: "Upper Deck June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: February 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to several charitable institutions.

**8442. Adulteration of split peas. U. S. v. 58 Bags of Split Peas. Default decree of condemnation and destruction. (F. D. C. No. 15159. Sample No. 9483-H.)**

LIBEL FILED: January 24, 1945, Western District of New York.

ALLEGED SHIPMENT: On or about November 5, 1943, by the Mark Means Co., from Lewiston, Idaho.

PRODUCT: 58 100-pound bags of split peas at Buffalo, N. Y.

LABEL, IN PART: "Lewis Clark Brand Lewiston Idaho Green Split Peas."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, insect fragments, and rodent excreta pellets.

DISPOSITION: March 5, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.